

8w



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,099	03/11/2004	Bruce Roesler	61,733-143	6068

27305 7590 01/24/2005

HOWARD & HOWARD ATTORNEYS, P.C.
 THE PINEHURST OFFICE CENTER, SUITE #101
 39400 WOODWARD AVENUE
 BLOOMFIELD HILLS, MI 48304-5151

EXAMINER

RINEHART, KENNETH

ART UNIT PAPER NUMBER

3749

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,099

Applicant(s)

ROESLER ET AL.

Examiner

Kenneth B Rinehart

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11,17-20 and 22 is/are rejected.
- 7) ☒ Claim(s) 3,5-10,12-16 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/04, 8/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the including the step of forming a first set of weld seams between said roof and said side walls and second set of weld seam between said side walls and said floor, said step of providing a support is further defined by affixing said support over said first set of seams and said second set of seams thereby securing said assembly for transportation to a remote location, including the step of removing said support from said module when said module has arrive at the remote location must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

Art Unit: 3749

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said floor module" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the connection between a floor module and the rest of the apparatus.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dixon (4731016). Dixon shows assembling a floor from a plurality of insulating panels (20, fig. 1);

Art Unit: 3749

fixedly attaching inner wall panels to opposing sides of said floor (fig. 1); fixedly attaching a roof to an opposite end of said inner side panels from said floor thereby defining module with a heating chamber within said floor, said inner wall panels, and said roof (fig. 1); providing insulating material to said roof and said inner side wall panels and concealing said insulating material with cladding panels (fig. 1, col. 2, lines 49-57), and providing a support removably attached to at least two of said roof, said inner side wall panels, and said floor thereby enabling said module for transportation to a remote location (fig. 2), including the step of transferring a plurality of modules to the remote location (fig. 1), further including the step of adjoining adjacent of said modules with a flexible member thereby enabling said modules to expand and contract (22, fig. 4).

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lacoste, III (3851427). Lacoste shows a plurality of modules positioned in a generally abutting relationship (fig. 4), wherein each of said modules includes a roof, side walls, and a floor having a length and a width (fig. 2, fig. 4), said floor formed from abutting floor panels (63, fig. 5b) reinforced by a plurality of support members spaced along said length of said floor and having a length greater than said width of said floor (24, fig. 5b); said side walls including an inner side wall panel disposed in an overlapping relationship with said floor (14, fig. 5b) and a side wall cladding panel supported by said support members along said width of said floor (34, fig. 5b) thereby concealing thermal insulating material disposed between said inner side wall panel and said side wall cladding panel (26, fig. 5b), each of said floor modules define an inner cavity having a thermal insulator disposed therein (26, fig. 5b), said roof includes roof panels spaced

Art Unit: 3749

apart and fixedly attached between said side walls thereby supporting said side walls in a space relationship (fig. 4, fig. 5b)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon (4731016) in view of Crompton et al (5568692). Dixon discloses assembling a floor from a plurality of insulating panels (20, fig. 1); fixedly attaching inner wall panels to opposing sides of said floor (fig. 1); fixedly attaching a roof to an opposite end of said inner side panels from said floor thereby defining module with a heating chamber within said floor, said inner wall panels, and said roof (fig. 1); providing insulating material to said roof and said inner side wall panels and concealing said insulating material with cladding panels (fig. 1, col. 2, lines 49-57), and providing a support removably attached to at least two of said roof, said inner side wall panels, and said floor thereby enabling said module for transportation to a remote location (fig. 2). Dixon discloses applicant's invention substantially as claimed with the exception of providing a radiant wall at a spaced location over said floor thereby forming a hot air conduit between said floor and said radiant wall thereby providing heat to said assembly, providing an air duct for providing air to said assembly and affixing said air duct to one of said floor, said side walls, and said roof, installing a conveyor in said heating chamber for transferring products through said assembly. Crompton teaches providing a radiant wall at a spaced location over said

Art Unit: 3749

floor thereby forming a hot air conduit between said floor and said radiant wall thereby providing heat to said assembly (fig. 2) for the purpose of drying an object. It would have been obvious to one of ordinary skill in the art to modify Dixon by including providing a radiant wall at a spaced location over said floor thereby forming a hot air conduit between said floor and said radiant wall thereby providing heat to said assembly as taught by Crompton for the purpose of drying an object so the at the dryer will operate and perform a useful function. Crompton teaches providing an air duct for providing air to said assembly and affixing said air duct to one of said floor, said side walls, and said roof (fig. 2) for the purpose of removing solvent from the air. It would have been obvious to one of ordinary skill in the art to modify Dixon by including providing an air duct for providing air to said assembly and affixing said air duct to one of said floor, said side walls, and said roof as taught by Crompton for the purpose of removing solvents from the air so that the drying process is expediated and productivity is improved. Crompton teaches installing a conveyor in said heating chamber for transferring products through said assembly (16, fig. 2) for the purpose of providing a means for locomotion. It would have been obvious to one of ordinary skill in the art to modify Dixon by including installing a conveyor in said heating chamber for transferring products through said assembly as taught by Crompton for the purpose of providing a means for locomotion so that product can be transported form one end of the oven to the other and thus speed the processing of product.

Allowable Subject Matter

Claims 3, 5-10, 12-16, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3749

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to walls in general: Farley (3844083).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR


KENNETH RINEHART
PRIMARY EXAMINER